

Harry Samuel
Plaintiff,

v.

Civ. No. 05-037-SLR

Thomas Carroll (Warden)
and et al
First Correctional Medical,
Correctional Medical Services,
and ROB Young,
Defendants.



Supplement Complaint:

Statement of Claim: Cruel and unusual Punishment under the 8th amendment violation for denial and/or Delay in Plaintiff Samuel, Dental Treatment with Deliberate Indifference. (Inadequate Dental Care) Regarding Defendant Thomas Carroll and Correctional Medical Service, Inc..

Plaintiff Samuel, had a big hole in Plaintiff vital back big tooth on September 5, 2004, a degenerative condition that tends to cause pain if left untreated. A serious medical need that was so obvious that a lay person would easily recognize the necessity for a doctor's attention.

Plaintiff therefore put in a sick call slip to have Plaintiff tooth filled by First Correctional Medical (FCM) Health Care Provider Dentist, on 9-7-04.

Plaintiff was called for sick call in the dentist office and forced to sit in dental chair while handcuffed behind Plaintiff back. But Plaintiff did not receive any treatment. Plaintiff was told it takes 8-9 month delay to have Plaintiff decayed tooth filled.

Thereafter Plaintiff ask for a medical grievance from the officer. The unit officer gave Plaintiff Form # 584 grievance form to submit. (exhibit-27 grievance form #584).

Thereafter Plaintiff submitted his medical form #584 to the grievance committee.

Plaintiff was called to the Dentist office for Medical grievance Dental examination. Plaintiff told officer Rob Young that the handcuffs and getting ~~seated~~ down in the Dental Chair while handcuff behind Plaintiff back was causing Plaintiff Pain in Plaintiff wrist and Plaintiff therefore ask officer Rob Young to Put the hand cuffs on the front. Officer Young Said no you, have to get in the dental Chair with your hands cuffed behind your back. officer Young forced Plaintiff to sit in the dental Chair during treatment the Plaintiff was forced to lay back in the Dental Chair on the handcuffs, his wrist, arm and Shoulder. Which Cause Plaintiff injuries, Pain and Suffering in Plaintiff hand, wrist, arm and Shoulder. During this time the Dentist investigator T K Kionke, [wolken Gina] told Plaintiff it take 8-9 month delay to fill Plaintiff decayed tooth.

Next Plaintiff had a hearing with no examination with Dr. Munson (MGC) at this hearing Plaintiff was told it take 8-9 month delay to fill Plaintiff decayed tooth.

Thereafter the (MGC) hearing. The Plaintiff appealed to the Warden/ Warden designee. The Bureau Chief up held Plaintiff appeal. Stating that a 8-9 month wait for tooth repair is unacceptable

Supplement

After Plaintiff exhausted all administrative remedies, Plaintiff did not receive any Dental treatment after a 10 month delay which exceeds the 8-9 month delay Plaintiff was told it take to fill Plaintiff tooth. Plaintiff was Placed on a waiting list. 6-30-2005. First Correctional Medical was terminated and July 1st, 2005, Correctional Medical Service, Inc. became the Dental Care Provider and CMS delayed Plaintiff treatment for 2 additional months more from July 1st, 2005 to September 2005. (Exhibit 27 form #584 Grievance Form. Exhibit - 22 Grievance Report. Exhibit 21 Appeal upheld by Bureau Chief Paul).

Correctional Medical Service, Inc. is now the Dental Provider. CMS became the health care Provider at D.C.C. on July 1, 2005. The Plaintiff was already on the waiting list for 10 months. CMS Continue to delay Plaintiff Dental treatment for 2 months,

More while CMS is the Provider. CMS use the same grievance Policy, Custom and waiting list that the Warden, Warden desianee and FMC use. Correctional Medical Service, Inc. delayed Plaintiff treatment for 2 months. Plaintiff had further deterioration of the teeth due to a lack of treatment. Such as gingervitis developed around the tooth and eat some of the tooth structure away, and another tooth needed to be filled. Plaintiff serious medical Condition significantly affected Plaintiff ability to eat and talk.

Plaintiff Suffered for 8-9, 10 months (FCM) and 2 months With out treatment (CMS). A total Delay of one Year. Which is unacceptable Conduct under an Standard of treatment and Violated Plaintiff 8th amendment.

Plaintiff filed sick call slips, Medical grievance, attended medical grievance hearing, and Appealed which was up held. Which this exhausted aministrative remedies gave a greater awareness of Plaintiff Dental Problem(s).

CMS Filled Plaintiff tooth (teeth) on the beginning of September 2005 after a 2 month Delay. CMS is liable for this two month delay From July 1st, 2005 to September 2005 when CMS was the Provider and delayed Plaintiff treatment.

Plaintiff seeks monetary relief.

Respectfully Submitted
 Very Truly yours
 Harry L. Samuel
 Pro Se

Date: 6-14-2006

Certificate of Service

I, Harry Samuel, hereby certify that I have served a true and correct copy(ies) of the attached: purposed, Supplement Complaint, regarding Correctional Medical Service, Inc. upon the following parties/person (s): oposing Counsel(s)

TO: Dana Spring Monzo
(McCullough & McKenty, PA.)
1225 N. King Street, Suite 1100
P.O. Box 397
Wilmington, DE. 19899-0397
(FCM)

TO: Ophelia M. Waters
Deputy Attorney General
State of Delaware
Department of Justice
820 North French Street, 6th Floor
Wilmington, Delaware 19801
(warden, et al)

TO: Kevin J. Connors
(Marshall, Dennehey, Warner,
Coleman & GOGGIN)
1220 North Market Street
5th Fl. P.O. Box 8888
Wilmington, DE. 19899-8888
(CMS, I)

TO: _____

BY PLACING SAME IN A SEALED ENVELOPE and depositing same in the United States Mail at the Delaware Correctional Center, 1181 Paddock Road, Smyrna, DE 19977.

On this 14th day of June, 2006

Harry L. Samuel
pro se

IM Harry Samuel

SB# 207386 UNIT 237

DELAWARE CORRECTIONAL CENTER

4181 PADDOCK ROAD

SMYRNA, DELAWARE 19977

WILMINGTON, DE 19850

JUN

14

2005



To. Office of the Clerk
United States District Court
844 N. King Street, Lockbox 18
Wilmington, Delaware
19801-3570

Legal Mail

U.S.M.S.
X-RAY